

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

JOHN ROE I, et al.,

Plaintiffs,

V.

**BRIDGESTONE CORPORATION,
BRIDGESTONE AMERICAS HOLDING,
INC., BRIDGESTONE FIRESTONE
NORTH AMERICAN TIRE, LLC,
FIRESTONE NATURAL RUBBER
COMPANY, FIRESTONE PLANTATION
CO., BRIDGESTONE FIRESTONE
CORPORATE DOES 1-10, DANIEL J.
ADOMITIS, CHARLES STUART, and
INDIVIDUAL BRIDGESTONE FIRESTONE
DOES 11-20**

Defendants.

Case No. 1:06-cv-00627-DFH-JMS

DEFENDANTS' MOTION TO DISMISS THE UNSERVED DEFENDANTS

Plaintiffs filed their Class Action Complaint for Injunctive Relief and Damages on November 22, 2005. Plaintiffs subsequently served defendants Bridgestone Americas Holdings, Inc., Bridgestone Firestone North American Tire, LLC, BFS Diversified Products, LLC, and Firestone Natural Rubber Company, LLC (the “Answering Defendants”). Plaintiffs have failed to serve defendants Bridgestone Corporation, Firestone Plantations Company (now known as and hereinafter referred to as “Firestone Liberia”), Daniel Adomitis and Charles Stuart (the “Unserved Defendants”) in the two years this case has been on file. Defendants now request that the Court dismiss defendants Adomitis and Stuart since they are United States citizens and plaintiffs have long-exceeded the 120 days permitted to serve them by Federal Rule of Civil Procedure 4(m). Defendants also request that the Court dismiss defendants Bridgestone

Corporation and Firestone Plantations Company pursuant to Federal Rule of Civil Procedure 41(b) given that plaintiffs have failed to prosecute their claims against these foreign corporations by failing to serve them without good cause for delay.

WHEREFORE, defendants respectfully request that this Court dismiss the Bridgestone Corporation, Firestone Plantations Company (now known as and hereinafter referred to as “Firestone Liberia”), Daniel Adomitis and Charles Stuart in compliance with Federal Rules of Civil Procedure 4(m) and 41(b) because plaintiffs have failed to serve the United States defendants within 120 days of filing their complaint and have failed to prosecute their claims against the foreign defendants.

Respectfully submitted,

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BRIDGESTONE AMERICAS HOLDING,
INC.; BRIDGESTONE FIRESTONE NORTH
AMERICAN TIRE, LLC; BFS DIVERSIFIED
PRODUCTS, LLC; AND FIRESTONE
NATURAL RUBBER COMPANY, LLC

CERTIFICATE OF SERVICE

I certify that a copy of this motion was filed electronically on this 20th day of November, 2007. Notice of this filing will be sent to the parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system. For those parties which are not registered with the Court's electronic filing system, I certify that a copy of this motion has been served by depositing a copy of it in the United States mail, first class postage prepaid.

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